



MISSOURI DEPARTMENT OF REVENUE  
**MISSOURI ESTATE/GENERATION-SKIPPING  
CREDIT TAX RETURN**

FORM  
**MO-706**  
(REV. 9-2002)

**ATTACH COPY OF FEDERAL FORM 706 – PAGES 1, 2 and 3**

CHECK ONE: ☐ ORIGINAL RETURN ☐ AMENDED RETURN (Attach explanation, including copy of any federal determination and page 1 of any amended Federal Form 706)

**PART 1 — DECEDENT, EXECUTOR, AND REPRESENTATIVE**

DECEDENT'S FIRST NAME AND MIDDLE INITIAL	DECEDENT'S LAST NAME	DECEDENT'S SOCIAL SECURITY NO.
DOMICILE AT TIME OF DEATH	YEAR DOMICILE ESTABLISHED	DATE OF DEATH
<b>NAME OF EXECUTOR</b>	<b>ADDRESS (NUMBER AND STREET INCLUDING APARTMENT NUMBER, OR RURAL ROUTE, CITY, TOWN OR POST OFFICE, STATE AND ZIP CODE)</b>	
NAME AND LOCATION OF COURT WHERE WILL WAS PROBATED OR ESTATE ADMINISTERED		CASE NUMBER
AUTHORIZATION TO RECEIVE CONFIDENTIAL MISSOURI ESTATE TAX INFORMATION UNDER CHAPTER 145 AND CORRESPONDENCE FROM DEPARTMENT OF REVENUE IF RETURN PREPARED BY AN ATTORNEY OR ACCOUNTANT FOR THE EXECUTOR.		
NAME OF REPRESENTATIVE	STATE	ADDRESS (NUMBER AND STREET, CITY, STATE AND ZIP CODE)
I declare that I am the attorney/accountant for the executor and prepared this return for the executor. I am qualified to practice in the state shown above.		
SIGNATURE	DATE	TELEPHONE NUMBER

**PART 2 — TAX COMPUTATION**

1. MISSOURI ESTATE OR GENERATION-SKIPPING CREDIT TAX (See instruction 10 for GSC Tax) If this is an original return filed within 9 months after death – <ul style="list-style-type: none"><li>• Check proper box</li><li>• Enter amount on Line 1, omit Lines 2 through 8.</li><li>• Attach check for that amount.<ul style="list-style-type: none"><li><input type="checkbox"/> MISSOURI RESIDENT DECEDENT WITH ALL MISSOURI PROPERTY Enter Credit for State Death Taxes from Federal Estate Tax Return Form 706, Line 13</li></ul></li></ul> RE <input type="checkbox"/> MISSOURI RESIDENT DECEDENT WITH NON-MISSOURI PROPERTY Attach Form MO-RE and enter amount from Form MO-RE, Line 9 NRE <input type="checkbox"/> NONRESIDENT DECEDENT WITH MISSOURI PROPERTY Attach Form MO-NRE and enter amount from Form MO-NRE, Line 8	1	
2. Less: amount of Missouri Estate Tax previously paid	2	
3. OVERPAYMENT to be refunded (Line 2 less Line 1) <b>REFUND</b>	3	
4. TAX DUE – (Line 1 less Line 2)	4	
5. Interest on payment after due date	5	
6. Addition to Tax <input type="checkbox"/> Check here if you received a federal extension of time to <b>file</b> Federal Form 706. Attach copy of Federal Extension Form 4768	6	
7. Addition to Tax <input type="checkbox"/> Check here if you received a federal extension of time to <b>pay</b> the Federal estate tax. Attach copy of Federal Extension Form 4768	7	
8. TOTAL DUE (Total of Lines 4 through 7) <b>AMOUNT DUE</b>	8	

**PLEASE SIGN BELOW**

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer other than the executor is based on all information of which preparer has any knowledge.

SIGNATURE OF EXECUTOR	DATE
SIGNATURE OF PREPARER OTHER THAN EXECUTOR	DATE
ADDRESS (AND ZIP CODE)	DATE

**Make check payable to: MISSOURI DEPARTMENT OF REVENUE. Mail to: P.O. Box 27, Jefferson City, MO 65105-0027**

## INSTRUCTIONS FOR FORM MO-706

- 1. Statute and General Description.** The Missouri estate tax is imposed by Chapter 145, RSMo. The Missouri tax is generally the amount of the maximum federal credit for state death taxes.
- 2. Estates for Which Return Required.** Section 145.481, RSMo requires a return by an executor or other person required to file a Federal Form 706. If the decedent was a nonresident, a return is required only if the gross estate with an actual situs in Missouri at death exceeds \$10,000.
- 3. Time for Filing.** Section 145.511, RSMo requires a return to be filed within 9 months after death. Section 145.551, RSMo provides an automatic extension of the time to file if a federal extension of time to file is received. **An extension of time to file is not an extension of time to pay. Payment of the tax is due within 9 months after death unless an extension of time to pay is received.**
- 4. Place for Filing.** Mail all returns and payments to: Missouri Estate Tax, P.O. Box 27, Jefferson City, MO 65105-0027.
- 5. Payment of Tax.** Section 145.511, RSMo requires payment of the tax within 9 months after death. Section 145.551, RSMo provides an automatic Missouri extension of time to pay if a federal extension of time to pay is received subject to the applicable limitations specified in Administrative Rule 12 CSR 10-8.170.
- 6. Interest (Line 5).** Interest must be added to all tax payments made more than 9 months after death. See Sections 145.985, RSMo and 143.731, RSMo. If interest is calculated at a rate other than the rate

established by Section 32.065, RSMo, attach explanation including copy of actual computations.

- 7. Addition to Tax and Penalties (Lines 6 and 7).** Substantial additional amounts are due for both delinquent returns (up to 50%) unless due to reasonable cause. See Sections 145.985, RSMo; 143.741, RSMo; and 143.751, RSMo.
- 8. Supplemental Documents.** A copy of approved Federal Form 4768 is required to verify an automatic extension. A copy of Federal Form 706, pages 1, 2, and 3, must be attached. If either Form MO-RE or MO-NRE is used copies of Federal Schedules A through K must also be attached.
- 9. Amended Return and Federal Changes.** Section 145.601, RSMo requires an amended return if there is a federal amended return or change. Amended returns, including claims for refund, require explanatory data (e.g. federal audit changes). Special periods of limitations for deficiencies (Section 145.711, RSMo) and refunds (Section 145.801, RSMo) may be applicable.
- 10. Generation-Skipping Credit.** Section 145.995, RSMo provides for a Missouri tax if there is a federal generation-skipping tax credit. An executor or other person required to calculate and report the tax due shall attach a copy of the appropriate federal form and make the computations on Form MO-706 and Form MO-NRE or MO-RE.
- 11. Receipts and Proof of Payment.** Duplicate receipts will be mailed for each payment to the executor or personal representative of the estate.

## INSTRUCTIONS FOR FORMS MO-RE (Resident With Non-Missouri Property) AND MO-NRE (Nonresident With Missouri Property)

- 1. Introduction.** The Missouri Estate Tax is all of the federal credit only if all of a decedent's federal gross estate had a Missouri situs. Real estate and tangible personal property have a Missouri situs only if they have an actual situs in Missouri. Section 145.102(1), RSMo. Intangible personal property has a Missouri situs only if the decedent was a Missouri resident, domiciled in Missouri at death. Sections 145.101(3), RSMo and 145.102(2), RSMo. It is important to determine (A) the decedent's domicile (Missouri vs. Non-Missouri), (B) the nature of the decedent's gross estate (real estate and tangible personal property vs. intangible personal property), and (C) the actual situs of the real estate and tangible personal property (Missouri vs. Non-Missouri).

The objective of Forms MO-RE and MO-NRE is to determine what percentage of the decedent's gross estate has a Missouri situs, thus determining what percentage of the federal credit is apportioned to Missouri, Section 145.041, RSMo.

- 2. Lines 1, 2, and 3 (Form MO-RE and Form MO-NRE).** The denominator of the apportionment percentage is Total Gross Estate. Nonrecourse debts are listed as negative factors in determining gross estate on Federal Schedules A through I; but ordinary recourse debts are listed on Federal Schedule K as deductions from gross in determining taxable estate. Line 2 results in neither type of debt having an effect on the denominator, Total Gross Estate.
- 3. Line 4 – List of Property (Form MO-RE and Form MO-NRE).** On Form MO-RE, the Non-Missouri property is listed and then subtracted from Gross Estate to arrive at Missouri property – the numerator of the apportionment percentage.

On Form MO-NRE, the Missouri property is listed and used as the numerator of the apportionment percentage.

All property is listed on Line 4 (and Lines 1 and 3) at date of death value unless the federal election to use the alternate value is made. Then all property at Line 4 (and Lines 1 and 3) is at alternate value.

The summary descriptions of real estate and tangible personal property should be short (e.g. "House") but must be specific as to Missouri or Non-Missouri actual situs. An explanation should be attached only if the data on the attached federal schedules are inadequate to show the nature (real, tangible, or intangible) and the actual situs of the listed property (Missouri or Non-Missouri). Note that Question C, Form MO-RE, requires the Executor of a nonresident decedent to state whether all Missouri situs property has been listed at item 4 – doubtful items may require an explanation.

- 4. Resident, Nonresident, Domicile.** A "nonresident" decedent is one who is not a "resident". A "resident" is one "domiciled" in Missouri at death (Section 145.101(2) and (3) RSMo). Two definitions may be helpful: (a) Missouri Probate Code – Section 472.010(10) states that: "Domicile means the place in which a person has voluntarily fixed his abode, not for a mere special or temporary purpose, but with a present intention of remaining there permanently or for an indefinite time", (b) Federal Estate Tax Regulations (26 CFR) Section 20.0-1(b)(1) state that: "A person acquires a domicile in a place by living there, for even a brief period of time, with no definite present intention of later removing

therefrom. Residence without the requisite intention to remain indefinitely will not suffice to constitute domicile, nor will intention to change domicile effect such a change unless accompanied by actual removal."

The Restatement 2nd, Conflict of Laws, Chapter 2, Domicile, notes the burden of proving a new domicile of choice to replace a prior domicile or origin (birth) or of choice. It also has a "Special Note on Evidence for Establishment of a Domicile of Choice."

Determination of domicile, especially the acquisition of a new domicile, often requires the analysis of many factors including but not limited to those raised by the parts of Question D, Form MO-NRE. Executors filing Form MO-NRE should attach a memorandum of fact and law if there is substantial doubt as to whether the decedent was a nonresident.

An alien may be a resident or a nonresident depending upon whether domiciled in Missouri.

Another state may join Missouri in claiming a decedent as a domiciliary. Section 145.201, RSMo permits the Director of Revenue to join the other state and the executor in a compromise of the domicile issue.

- 5. Situs of Property – Domicile and Actual Situs.** Property is subject to Missouri taxation based upon: (A) Domicile of decedent if the property is intangible; (B) Actual Situs of property if the property is real estate or tangible personal property. A resident decedent's Form MO-RE (item 4) will contain an item of real estate or tangible property only if it has a Non-Missouri actual situs. A nonresident decedent's Form MO-NRE (item 4) similarly will contain an item only if it has a Missouri situs.

The following examples referring to Schedules A through H, Federal Form 706, are applicable to both Residents (Form MO-RE) and Nonresidents (Form MO-NRE).

Schedule A – Real Property Owned by the Decedent. Its Missouri tax status is determined by its actual situs.

Schedule B – Stocks and Bonds, Schedule C – Mortgages, Notes, and Cash, Schedule D – Life Insurance, and Schedule I – Annuities. Tax status determined by domicile. The physical locations of certificates, policies, corporations, and mortgaged property are not controlling.

Schedule E – Jointly Owned Property, and Schedule F – Other Miscellaneous Property. Most items will be similar to Schedule A through C properties. If decedent was a partner in an active partnership, the tax status is dependent upon domicile. The actual situs of partnership assets is not controlling.

Schedule G – Transfers During Decedent's Life, and Schedule H – General Powers of Appointment. These schedules treat various interests in the same manner as if decedent owned the property at death. If decedent transferred various assets to a trustee, the Missouri status of the Schedule G property is dependent upon the nature of the property at death. Thus, the trust's real property depends upon its actual situs (similar to Schedule A), but the trust's securities depend upon domicile (similar to Schedule B). The location of the trustee is not controlling.

If decedent was given a power of appointment, the Missouri tax status of the Schedule G property is similarly dependent upon the at death nature of the property subject to the power.